

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,	:	
Petitioner,	:	No. 1:17-CV-1969
v.	:	(Chief Judge Conner)
JOHN E. WETZEL, Secretary,	:	THIS IS A CAPITAL CASE
Pennsylvania Department of Corrections;	:	
ROBERT GILMORE, Superintendent of	:	
the State Correctional Institution at Greene;	:	
and MARK GARMAN, Superintendent of	:	
the State Correctional Institution at	:	
Rockview,	:	
Respondents.	:	
	:	

PETITIONER'S STATUS REPORT

Petitioner, Charles Ray Hicks, through counsel, respectfully provides this Court with the following status report as required by this Court's Order of November 30, 2017 (Doc. 3):

1. On November 30, 2017, this Court granted Mr. Hicks' motion for leave to proceed *in forma pauperis*, appointed the Capital Habeas Unit of the Federal Public Defender Office for the Middle District of Pennsylvania to represent Mr. Hicks in proceedings challenging his convictions and sentence of death under Section 2254, and ordered counsel to file a status report apprising the Court of the

procedural posture of Mr. Hicks' state court proceedings and any other pertinent matters on or before May 29, 2018 and every 45 days thereafter. (Doc. 3.)

2. On February 12, 2018, the Court of Common Pleas entered an order granting Mr. Hicks leave to proceed *in forma pauperis*, staying his execution through the conclusion of all PCRA proceedings, appointing James Swetz, Esquire, to represent him in his PCRA proceedings, and granting Mr. Swetz leave to file an Amended PCRA petition on or before March 22, 2018. On March 19, 2018, the Court of Common Pleas granted Mr. Swetz's request for an enlargement of time in which to file an Amended PCRA petition until July 22, 2018. On July 9, 2019, the Court of Common Pleas granted Mr. Swetz's second request for an extension of time. Mr. Hicks' Amended PCRA petition is currently due on October 2, 2018.

3. Since their appointment in November 2017, undersigned federal habeas counsel have been diligently reviewing the prior record in Mr. Hicks' case; conducting the exhaustive extra-record investigation necessary to determine what additional claims should be developed; and are monitoring the status of the state court litigation.

4. Undersigned counsel have consulted with Mr. Hicks and determined that it is in his best interest to file a federal habeas petition. Counsel have been working diligently to complete that petition, but additional work remains necessary. Thus, Mr. Hicks requests that this Court enter an Order directing counsel to file a

Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 on or before October 2, 2018.

Respectfully submitted,

s/Kelly D. Miller

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Dated: July 13, 2018

CERTIFICATE OF SERVICE

I, Kelly D. Miller, hereby certify that on this date I caused the foregoing document to be served on the following person at the location and in the manner indicated below, which satisfies the requirements of the Federal Rules of Civil Procedure:

VIA FIRST CLASS MAIL

E. David Christine, Jr.
District Attorney
Monroe County District Attorney's Office
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Stroudsburg, PA 18360

/S/ KELLY D. MILLER

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Dated: July 13, 2018